



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

CRS  
Docket No: 92-00  
8 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 28 November 1995 at age 18. You served without incident until 9 November 1998 when you received nonjudicial punishment (NJP) for an unauthorized absence. The punishment imposed consisted of forfeitures of \$591 per month for two months, suspended for a month, reduction in pay grade from SKSN (E-3) to SKSA (E-2), and restriction and extra duty for 14 days. On 27 August 1999 you were honorably separated and transferred to the Naval Reserve.

The Board noted your contention that the punishment was too harsh but found it insufficient to warrant removal of the 9 November 1998 NJP or restoration to SKSN and subsequent advancement to SK3 (E-4). In this regard, the Board presumed that the commanding officer acted reasonably in concluding, based on the evidence before him, that you committed the foregoing offense. The Board concluded that the commanding officer was in the best position to resolve the factual issues and to impose punishment.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director